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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

MAXIMILIAN KLEIN, et al., on behalf of  
themselves and all others similarly situated,

Plaintiffs,

v.

META PLATFORMS, INC., a Delaware  
Corporation,

Defendant.

Case No. 3:20-cv-08570-JD

**META PLATFORMS, INC.'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL**

Judge: Hon. James Donato

**STANDING ORDER PARAGRAPH 31 NOTICE**

The parties have agreed to use the approach outlined in Paragraph 31 of the Court's Standing Order for Civil Cases for the rounds of briefing associated with User Plaintiffs' and Advertiser Plaintiffs' Motions for Class Certification, and any related *Daubert* briefing, including Defendant Meta Platforms, Inc.'s Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans. Meta hereby notifies the Court that the parties will file a combined Administrative Motion to Seal when briefing on the class certification and related *Daubert* motions is complete. That combined Administrative Motion to Seal will address all relevant documents submitted in connection with this briefing. Meta will work in good faith to minimize the amount of material sought to be sealed in that motion in accordance with the applicable standard and this Court's prior guidance. *See* Dkt. 344.

**META PLATFORMS' ADMINISTRATIVE MOTION TO FILE UNDER SEAL**

Pursuant to Civil Local Rules 7-11 and 79-5(c), Defendant Meta Platforms, Inc. respectfully files this Administrative Motion To File Under Seal portions of its Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans, and certain documents submitted in support of that Motion. Materials and documents may be provisionally filed under seal pursuant to Civil Local Rule 79-5(c) provided that the party seeking the relief can show that there are "legitimate private or public interests that warrant sealing" that "injury will result if sealing is denied" and "why a less restrictive alternative to sealing is not sufficient." L.R. 79-5(c)(1).

Pursuant to Paragraph 31 of this Court's Standing Order for Civil Cases, Meta will provide a "more fulsome and revised motion to seal" after the completion of briefing. Meta has lodged under seal deposition excerpts of certain of its current and former employees, which have been designated Highly Confidential or Confidential under the Stipulated Protective Order. Dkt. 314. Meta has also lodged under seal portions of its Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans that reference these materials.

As noted in Meta's associated Motion to Consider Whether Another Party's Information Should Be Sealed, Meta has also lodged under seal the Report and Reply Report of Scott Fasser,

the Report and Reply Report of Joshua S. Gans, and the Report of Michael A. Williams, which Advertiser Plaintiffs have designated Highly Confidential under the Stipulated Protective Order. Dkt. 314. Meta has also lodged under seal excerpts from the deposition of Scott Fasser, which are currently provisionally designated Highly Confidential under the Stipulated Protective Order. Dkt. 314. Meta has also lodged under seal portions of its Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans that reference these materials.

Meta notes that the Fasser, Gans, and Williams reports and Fasser deposition transcript also contain potentially sealable information from other parties, including Meta and the following non-parties: Alphabet, Inc.; LinkedIn Corporation; Snap, Inc.; and X Corp. (f/k/a Twitter, Inc.). Meta anticipates that all parties will address appropriately tailored sealing requests in the combined motion to seal submitted at the end of briefing pursuant to Paragraph 31 of this Court's Standing Order for Civil Cases.

Meta has lodged under seal the following materials referencing Meta's information:

Document	Portions to Be Lodged Under Seal	Designating Party
Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans	Portions highlighted in green	Meta
Ex. 2 to the Decl. of Molly M. Jennings in Support of Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans ("Fasser Reply Report")	In its entirety	Meta and Advertiser Plaintiffs
Ex. 3 to the Decl. of Molly M. Jennings in Support of Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans ("Fasser Deposition Excerpts")	In its entirety	Meta and Advertiser Plaintiffs
Ex. 4 to the Decl. of Molly M. Jennings in Support of Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans ("Gans Report")	In its entirety	Meta and Advertiser Plaintiffs
Ex. 5 to the Decl. of Molly M. Jennings in Support of Meta's Motion to Exclude the Testimony of Scott Fasser and Joshua S. Gans ("Gans Reply Report")	In its entirety	Meta and Advertiser Plaintiffs
Ex. 6 to the Decl. of Molly M. Jennings in Support of Meta's Motion to Exclude the	In its entirety	Meta and Advertiser Plaintiffs

1	Testimony of Scott Fasser and Joshua S. Gans (“Williams Report”)		
2	Ex. 7 to the Decl. of Molly M. Jennings in Support of Meta’s Motion to Exclude the	In its entirety	Meta
3	Testimony of Scott Fasser and Joshua S. Gans (“Smallwood Deposition Excerpts”)		
4	Ex. 8 to the Decl. of Molly M. Jennings in Support of Meta’s Motion to Exclude the	In its entirety	Meta
5	Testimony of Scott Fasser and Joshua S. Gans (“Eide Deposition Excerpts”)		
6	Ex. 9 to the Decl. of Molly M. Jennings in Support of Meta’s Motion to Exclude the	In its entirety	Meta
7	Testimony of Scott Fasser and Joshua S. Gans (“Bosworth Deposition Excerpts”)		
8	Ex. 10 to the Decl. of Molly M. Jennings in Support of Meta’s Motion to Exclude the	In its entirety	Meta
9	Testimony of Scott Fasser and Joshua S. Gans (“Goldman Deposition Excerpts”)		
10	Ex. 11 to the Decl. of Molly M. Jennings in Support of Meta’s Motion to Exclude the	In its entirety	Meta
11	Testimony of Scott Fasser and Joshua S. Gans (“Baser Deposition Excerpts”)		
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15 As noted, upon the conclusion of briefing on class certification motions and related

16 *Daubert* motions, the parties will submit a combined Administrative Motion to Seal that will

17 contain additional detail addressing each of the above documents and any additional documents

18 containing Meta’s, plaintiffs’, and relevant non-parties’ confidential information submitted in

19 connection with the briefing on class certification motions and related *Daubert* motions.

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1 Dated: September 15, 2023

Respectfully submitted,

2 By: /s/ Molly M. Jennings

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*Attorneys for Defendant Meta Platforms, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of September, 2023, I caused the foregoing document to be transmitted via electronic mail.

/s/ Molly M. Jennings  
Molly M. Jennings